

**ENTERED**

October 19, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

**LAWRENCE W. SINCLAIR,****Plaintiff,****V.****BRIAN MARK KRASSENSTEIN, *ET*  
*AL.*,****Defendants.**

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**CIVIL ACTION NO. 5:23-CV-109****ORDER**

Before the Court is Plaintiff Lawrence W. Sinclair's Application to Proceed in District Court without Prepaying Fees or Costs. (Dkt. No. 2).

The decision whether to grant an application to proceed *in forma pauperis* falls within the sound discretion of the Court. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988); *see* 28 U.S.C. 1915(a)(1). When a court determines whether to grant *in forma pauperis* status, it should not consider the substance of the complaint. *See Eason v. Holt*, 73 F.3d 600, 602 n.10 (5th Cir. 1996) ("Although the initial IFP determination is based solely upon the prisoner's economic status, the court retains the right to revoke IFP status and to dismiss the complaint upon a finding that the complaint is malicious or frivolous."). Rather, a court should examine the applicant's financial records and determine whether the applicant would suffer "undue financial hardship" if they were required to pay the filing fee. *Prows*, 842 F.2d at 140.

According to Plaintiff's application, he does not have any source of income and is currently residing with multiple friends while he awaits the scheduling of his SSA appeal hearing. (Dkt. No. 2 at 1-2). He worked as an Uber driver until May 2023 when his physical condition made it unsafe to drive. (*Id.*). He has a negligible amount of cash available to him; however, his cash on hand is easily outweighed by his current debt burden. (*Id.*). Plaintiff owns an automobile with a value of \$1,000 but does not own any real estate or other assets. (*Id.* at 2).

The Court finds that Plaintiff would suffer undue financial hardship if it required

him to prepay the filing fee. Accordingly, the Court **GRANTS** Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(1), (Dkt. No. 2), and authorizes him to commence this action without prepayment of fees.

It is so **ORDERED**.

**SIGNED** on October 19, 2023.

  
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John A. Kazen  
United States Magistrate Judge